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Turner

Speech Delivered in Senate

Jan. 1861

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S P E E C H
OF
JOSIAH TURNER, JR.,
OF ORANGE,

Delivered in the Senate, January, 1861.

[The Senate having under consideration a bill to call a Convention of the people of North Carolina upon Federal Relations, Mr. Turner moved to amend, by striking out all after the word bill, and insert Mr. Crittenden's resolutions, with additional resolutions offered by himself.]

MR. SPEAKER:—The good and great men who framed the Constitution of the United States, well knew that the Constitutions of States, like the constitutions of men, would wear out—and hence in the fifth article of the fourth section of the Constitution, they provided means of amendment, by which new life might be infused into the Constitution.

The two questions which now agitate the country, and shake it from centre to circumference, were to the framers of the Constitution, serious obstacles to the harmonious union of the old thirteen.

When calls were made upon each of the old thirteen to contribute men and money for the war of the revolution, the difficulty was in what ratio shall they contribute.

First, they tried the valuation of land as the basis of contribution. This they abandoned, and adopted population as better evidence of ability to contribute. The South said our young and our old slaves are a burden upon us; in laying direct tax

they should not be counted as a free white man. Agreed said the North, if they are not counted in taxation, they must not be counted in representation. So five slaves shall count as three free men, both in taxation and representation. Thus was settled the slavery question.

The territorial question for awhile defeated and delayed the articles of confederation. New York, Virginia, Georgia and North Carolina, owned most of the public, or waste lands, as they were called.

Those States which owned no public lands, demanded, that the waste or public lands should be brought into the hodgepodge; having been bought with the common blood and treasury of all, they should be held and regarded as the joint property of all.

North Carolina and the States owning land, said, the public or waste land, are within our chartered limits and rightly belong to us. In a spirit of conciliation and concession, they finally yielded their lands to the confederation, as common property. All did this, save Massachusetts. She refused to give up the territory of Maine. New York was first to set the example. She gave up all her lands west of her present boundary; her title was doubtful, if of any value. South Carolina followed—she had little or nothing to give. On the 1st of March, 1784, Virginia ceded her vast domain in the North-West, extending to the lakes and the Mississippi. North Carolina ceded to the confederacy the territory which now makes the State of Tennessee. By the Mexican war, we acquired a vast territory. New England proposes to exclude us from that territory. We have not forgotten the argument she used to cause us to surrender Tennessee. Let us offer their own argument with which we were convinced; let us with firmness and moderation enforce the argument in the Union, if needs be, with the sword. If they are insensible to the justice of our rights in the territories; if they are forgetful of our magnanimity in letting them into territory which lay within our chartered limits, let us not secede nor lose sight of them until we have forced them into a sense of justice, and an acknowledgement of our rights. I am for securing our territorial rights by argument and negotiation in the Union; when that fails, I am for coercion. If we can't whip New England into the Union, we can't whip her out of it.

The fifth article of the Constitution says: "Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress."

It is now conceded on the part of all, that the Union can be maintained only by amending the Constitution of the United States, and making it fully acknowledge and forever settle the rights of the South. That clause of the Constitution quoted above, gives to Congress and three-fourths of the several legislatures the power of amending the Constitution. Let this General Assembly begin the work.

When your State Convention is called it will have no constitutional right to break up and destroy the government by peaceable secession. That Convention can only propose amendments to the Constitution; this legislature can do the same, and this Legislature, with Congress and three-fourths of the States, can redress our national grievances quite as well as a Convention; but the friends of the Convention have left us in no doubt as to their purpose—they mean to subvert and destroy the government, if they can.

The original bill was a monster. It proposed to inaugurate revolution without consulting the people. It violated the plain letter and spirit of the Constitution, which we had just sworn to support. Its avowed friends are now its avowed enemies. Well may they secede from such a bill. The old Napoleon, standing behind his cannon, might have proposed such a bill to the French people, but the present Napoleon dare not do it.

I have said your Convention, when called, could not carry the State out of the Union by peaceable secession. Who sustains me in this opinion? First, Mr. Madison, who we are told regarded nullification, secession and disunion, synonymous terms, as dangerous to the Union as fire to gunpowder. He said "to say a State could at pleasure secede, was to put a keg of powder

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under the Constitution, and a match in every man's hand to blow up the government at his pleasure."

The golden speaker Webster, said: "The Constitution does not provide for events which must be preceded by its own destruction. Secession, therefore, since it must bring these consequences with it, is revolutionary. What is revolution? That which overturns existing public authority; that which arrests the exercise of the supreme power; that which subverts one authority and substitutes another.

In 1833, Mr. Calhoun said, civil war, disunion and anarchy, must accompany secession.

What is the voice from the grave of him, to whom every Democrat once paid homage? I mean the hero, patriot and sage of the Hermitage! Be still and hear it: "The right of the people of a single State to absolve themselves at will and without the consent of the other States from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged."

Open and organized resistance to the laws, shall not be permitted with impunity. Such was the language of Jackson to South Carolina in 1833.

Are the States sovereign and independent? No! Who sustains me in this opinion?

First. Chief Justice Marshall, in the case of Craig against the State of Missouri, says: "That the States in some things are sovereign, in other things they are subordinate."

Secondly. The Supreme Court of North Carolina, in the matter of Strange and Thompson, to be found in 3d Hawks, have declared the Constitution of North Carolina in part annulled by the Constitution of the United States, and the wise and good Judge Taylor, in delivering the opinion of the court, says: "The execution of any human system of laws consists as much in their administration and practice, as in the theory itself." And so it does. Mr. Speaker, a bad government well administered, is better than a good government wickedly and corruptly administered. There is no defect in the theory of our government; the defect is all in the administration and practice. A wise and sagacious statesman once said, you can easily tell the character of rulers by the condition of the people. "If

you find a people prosperous in their industry, united at home and respected abroad, you may be sure their government is conducted by men of integrity and ability. If, on the other hand, you find them divided at home, mistrusting and hating their rulers, you may be sure their affairs are conducted by men weak, wicked or corrupt."

I have not, Mr. Speaker, completed the proof that the States single, are in many things subordinate to the States united. In the revised code, is a letter from General Washington, as President of the Convention of 1787, submitting the Constitution to Congress. The Father of his Country says: "It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the safety and interest of all. Individuals entering into society must give up a share of liberty to preserve the rest. In all our deliberations on this subject, we kept steadily in our view, that which appeared to us the greatest interest of every true American—the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence."

Patriek Henry advised the people of Virginia not to go into the present Union—the States would only be corporations.

Again, sir, the Constitution of North Carolina declares, "that perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed." The supreme government at Washington, daily disregard this plain injunction, by issuing patents, and thus ereating monopolies. If further proof is wanting to show that the States are in many things subordinate, I call to witness the oath we have taken to support the Constitution of North Carolina, not ineonsistent with the Constitution of the United States. I call to witness the plain letter of the Constitution itself, "forbidding States to coin money, or emit bills of credit, or keep troops or ships of war in time of peace, or entering into any agreement or contraet with another State or a foreign power, or engaging in war, unless invaded or in imminent danger." Tell me, Mr. Speaker, that any State in this Union is sovereign and independent, without these attributes of sovereignty. You had as well tell me that Charles V. was sovereign after he abdicated in favor of his son Phillip.

Diocletian, the Roman Emperor was sovereign, but he abdicated and retired to Solona, and betook himself to raising cabbage. The Southern States were sovereign, but they abdicated to the General Government, and betook themselves to making cotton. The Northern States abdicated, and betook themselves to manufacturing. There was another Emperor, we are told, who reigned and abdicated with Diocletian—it was Maximian. Maximian was not content to live in retirement. Like South Carolina, he wished to resume his sovereignty, and he did so by seizing the throne and the treasury, producing a series of public calamities which resulted in his own destruction.

Mr. Speaker, the people of North Carolina cannot now declare for disunion, and march off with South Carolina, without a sacrifice of their dignity and a surrender of their own opinion. In November last they declared the election of Lincoln would be no cause for disunion; Lincoln has done nothing, Lincoln has said nothing, to cause them to change that opinion. If they go, they go not upon their own judgment and conviction, but they go as captives tied to the chariot wheels of South Carolina, to attend and grace her unconstitutional triumphs. I shall feel humiliated if I see them tied to the chariot wheels, and fear if I see them seated in the chariot, I shall think of Phaeton, the son of Apollo, who said he had discovered a new track across the heavens for the sun—

“Thus Phaeton once amid the etherial plains,
Leaped on his father's car and seized the reins,
Far from his course impelled the glowing sun
Till nature's laws in wild disorder run.”

I say with such political charioteers as young Rhett and Keitt, let the people of North Carolina beware how they ride. I had as soon think of trusting Mons. Blondin to take me out of this Union upon his back, on the strand of wire which he has suspended over the rushing cataract of Niagara, as to trust myself to be taken out by those conspirators against the government, who fired the southern heart and precipitated the cotton States into revolution. A wide breach is now made between the North and the South; a breach is made in the Constitution. The extreme North and the extreme South live and move in violation of the Constitution. Who shall heal the breach made

In the Union and the Constitution? Who shall restore peace to the country? Not those who disturb its tranquility. North Carolina, Virginia, Maryland, Missouri, Tennessee and old Kentucky, must heal the breach. They must restore tranquility to the country. Let these six States, who obey the laws, maintain the Constitution and keep the faith. Let them, I say, stand upon Crittenden's resolutions, and settle at once and forever the territorial and the slavery question. Let them, in the language of the patriotic Hayne, "call upon the North and upon the South, to meet in the true spirit of conciliation and concession, and dry up at its fount these never failing sources of the waters of bitterness," and be assured, if they can do it, posterity will regard them as the second founders of the Republic.

If all the southern States shall desert the Union, the Constitution and the flag of Washington, let North Carolina stand alone. When she parts with the general government, I pray you, let it not be by that shameful, disgraceful, doctrine, "peaceable secession." Let her not leave with her back to the enemy. Let her part as Jacob did with Laban.

Sacred history describes the parting of Jacob and Laban, after this manner: "And Jacob beheld the countenance of Laban, and behold it was not towards him as before. And Jacob took a stone and set it up for a pillar. And Jacob said unto his brethren, gather stones, and they took stones and made an heap, and they did eat there upon the heap. And Laban said to Jacob, behold this heap, and behold this pillar, which I have cast betwixt thee and me. This heap be witness, and this pillar be witness, that I will not pass over this heap to thee, and that thou shall not pass over this heap and this pillar unto me for harm."

The countenance of the North is not towards us as it was before. Give time, and if that countenance does not change take a stone and set it up for a pillar. Set it up on the line that divides the North from the South. Tell the North that they cannot pass by it for harm to us. If they should attempt to pass by it, call on the South, now so eager for the fray, to come and defend slave territory. Say to the whole South as Inka said to Bahama, "here and now is the time to strike."

The District of Columbia is slave territory. Shall we desert it? Shall we give it up to the enemy? We have rights and property in the territories, are they to be surrendered? We have been taxed for eighty years to build up an army and a navy—are they to be surrendered to? Was ever such a proposition before made to reasonable men who know their rights, and knowing, will dare maintain them?

Will you be better off in the new government? Has South Carolina, now that she is out of the Union, any more security for her slaves than she had before? What law has she passed to make Massachusetts surrender fugitives from labor? I wish our Democratic friends would allow the slaveholders to take care of their slaves as they do of their horses and other property. We should be better off. For twenty years they have assumed the guardianship of the slave upon this question they made the South almost a unit for Mr. Buchanan. They denounced such slaveholders as Gilmer and Rayner, because they would not vote with them. Now the man who fails to vote with them, is an enemy to the institution and a traitor to the South, an ally of Lincoln and a friend of Seward. Such are the means used to drive good men into the support of their wicked designs, for the destruction of the best government the world ever saw.

After the reign of Phillip, when Spain was in danger, and her statesmen in doubt what to do, they always said, let us consult the genius of Phillip. America is in danger, we are in doubt what to do—let us consult the genius and spirit of Washington. His farewell address is the noblest production that ever fell from an uninspired pen. In that address he as clearly foretells the coming of our present difficulties, as did the prophets of old foretell the difficulties, dangers and final ruin of Babylon and Jerusalem. If the Black Republican North, and the Red Republican South, will only hear counsel and receive instruction from the genius of Washington, peace to our unhappy country will soon be restored.

That address says: "In contemplating the causes which may disturb our Union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and South-

ern. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection." Who will not bear evidence to the truth of this prophecy? who will deny that the political weapons used for ten years by both North and South have been falsehood and misrepresentation?

"Again," says the political prophet, "let me warn you in the most solemn manner against the baneful effects of the spirit of party." This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments; but in those of a popular form, it is seen in its greatest rankness, and is truly their worst enemy.

"The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissensions, which, in different ages and countries, has perpetuated the most horrid enormities, is itself a frightful despotism.

"The duty of a wise people is to discourage and restrain the spirit of party. It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one party against the other, and foment occasional riot and insurrection. It opens the door to foreign influence and corruption. The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the supporting your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. Much pains will be taken, many artifices employed to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively directed, cherish a cordial, habitual and immovable attachment to the Union; think and speak of it as the palladium of your political prosperity and safety. Watching for its preservation

with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned."

Washington as clearly foresaw, Mr. Speaker, as you and I now see, that party spirit is to ruin the country. Two factions are now pulling down the government over the heads of a quiet, contented and happy people. Both factions seem to have forgotten four things: That there is a God; a Union; a Constitution, and a people. They have forgotten that this government is one of God's ordinances for the propagation of his gospel; the improvement of Europe; the civilization of Africa, and the domestic tranquility of America. Both factions have forgotten that the people do not live by office.

The Democratic leaders and office-holders have been spoiled by success. They are like Frederick the Great—they have been so used to victory they cannot brook defeat. When Frederick was hard pressed by his enemies in a desperate fight for the capital of his kingdom, he sent a dispatch to Berlin saying, "All is safe." The tide of battle changed, and another messenger is sent—"Tell the Royal family to fly; all is lost; I have no resources left; I will not survive the ruin of my country. I will not be taken alive. It is hard for a man to bear what I have to bear."

When the battle for the Presidency was going on in November last, the Fredericks of Democracy sent dispatches to the Capital "all is safe." When the battle closed, the Goddess of Fortune, they found, had deserted them. Now they send word, "tell the royal family to fly, not only from the Capital, but from the Union; all is lost; they have no resources left; they will not survive the ruin of their party; they think it hard for man to bear what they have to bear; they will not be taken alive."

There is another point of resemblance between Frederick the Great and the Democratic leaders: Frederick always fought with deadly poison in his pocket. In a little glass case he carried corrosive sublimate, that he might commit suicide and not be taken alive. The leaders of Democracy have fought two battles with the poison of disunion in their pockets. You remember, Mr. Speaker, that Senator Clingman recommended resistance in 1856 in case of Fremont's election. Domiciliary

visits, such as were common in the French revolution, are hinted at ; or in his own words, those who acquiesced in the election of a Black Republican were to be "visited with swift attention by vigilance committees." The leaders of the party are now ready to commit suicide by swallowing the disunion pills which they have carried into two campaigns. I shall be greatly deceived in the character and intelligence of the honest Democratic people if they take such physic from such political doctors and leaders.

Posterity, Mr. Speaker, will read the history of the present day with utter astonishment, that thirty millions of people had allowed one hundred thousand office holders and office seekers to endanger their property, persons and liberty, all because the Presidential election did not turn out to suit them. The country is in imminent danger, and I want the people to come to the rescue. If the politicians will only give them a chance, they can, they will save us from domestic discord and civil war. Congress and the politicians cannot save us ; they are the mischief-makers ; they are the architects of our ruin ; they are opening the cartridge box for the people instead of the ballot-box. This might do for Europe, for Europe is governed by the sword. It will not, it shall not do for America, for she is governed by public opinion and the law. It will be a grand national spectacle, worthy the civilization of the age, to see thirty millions of freemen, armed with ballots instead of bullets, marching with silent indignation over the politicians to the polls. The people North and South are determined to vote upon Crittenden's propositions before they take up the sword. They ought to do it. It is due to their God, to their country, to their children, and to themselves. The people of North Carolina are not going to use the guns that this Legislature is trying to thrust into their hands. They are calling for ballots, and you are offering bullets. It is hard indeed if those who are to do the fighting, can't first be allowed, in an honorable way, to adjust the cause of war. The people know those who are so eager to vote arms are not going to use them. Every senator, every politician, who goes into the army will expect to go as one in command, with good pay attached. When reports are made out upon the battle field, the people know how they will read—great praise will be

given to the officers in command. The people will be mentioned in this way, "three hundred mules, and five thousand men killed."

During the French Revolution eighty thousand men, women and children were put to death in close prisons, by the hands of their own neighbors and kindred. After murdering each other they began to thirst for our blood, and the French Directory were upon the eve of declaring war against the United States. Mr. Monroe, our Minister to the French Court, advised them not to do so; to wait until another election; John Adams cannot be re-elected, and then the policy of the United States towards France will be changed.

Let me say to those who would involve us in civil war—such as desolated France—Lincoln cannot be re-elected. Take to yourselves the salutary advice given by Mr. Monroe to the French people.

The ninety-four thousand office holders and aspirants, who broke up the Democratic party at Charleston, can learn a useful lesson by reading *Gil Blas*. The Count Duke in *Gil Blas*, like some of our late officials in Washington City, was not able to account for the public money which had been committed to his custody. Unlike our defaulting officials, the Count was not allowed to resign, but he was dismissed and sent away in disgrace. When his friends called and found him at work, hoe in hand, he said: "you see, my friends, I can rise superior to my misfortunes." Let the ninety-four thousand office holders who fear to lose their places, imitate the Count; let them go to honest work, and rise superior to their misfortunes. Let them cry as loud for the Union as they would have done if Breckinridge had been elected, and we shall have peace in sixty days.

I fear, Mr. Speaker, the leaders in this revolution are like Garrick—they rely too much upon the stupidity of the people. Garrick once called upon Fielding for a play. Fielding said it was not finished. "Never mind said Garrick, give it to me; the people are too stupid to find it out." Fielding yielded, and sitting behind the curtain to witness the success of his play, heard the people hiss before Garrick was half through. Now, said Fielding, "Garrick, you see they have found it out." I say to the disunionists and revolutionists, before you are half through this play, you will hear the people hiss; they are not so

stupid but they will find you out. They have already found out that the government is falling to pieces by its own corruption. Mr. Calhoun said thirty years ago—"Avarice and political corruption are ruining the country."

When Nathaniel Macon retired from Congress, he said to the late Judge Nash: "Ours is the most corrupt Government on earth, and instead of growing better, will grow worse." Floyd and the late robbery at Washington City make good the prediction of Mr. Macon. The people now know that if the days of our Republic are numbered, the historian will record that the Government got rotten before it got ripe. The people without much complaining have allowed their treasury to be robbed—they will not stand, like fat oxen, and allow those who plundered now to butcher them.

COERCION.

I am called a coercionist. I never knew a well-regulated church, family or government that did not resort to coercion. We are all coercionists. We create constables and sheriffs for the purpose of coercing.

What says the Constitution: SEC. 16. "Congress shall exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and with the acceptance of Congress, become the seat of Government of the United States, and exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, arsenals, dockyards, and other needful buildings."—SEC. 17. "And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

No one will deny the authority of Congress to collect duties in all the ports of entry in the United States. Let me read again the 17th section, just referred to. Does it not give Congress the power to pass all laws necessary to execute all Constitutional powers conferred upon the Government? If the Constitution allows force to be used to execute its laws, I cannot help it. I never made the Constitution. I do not want to go into the new

government of the South if they are not going to enforce the laws.

Constitution or no Constitution, I can't consent, Mr. Speaker, to see a Federal army invade the soil of South Carolina, to "subjugate and make her a conquered province." As the Senator from Caswell says, South Carolina cannot be subjugated. England attempted to subjugate Ireland and Wales. After five hundred years of war with one, and two hundred years of war with the other, she did conquer them, but it was not with the sword. An act of Parliament declared that an Irishman and a Welshman were entitled to all the rights and privileges of an Englishman, and at once they were subdued. Justice was more powerful than the sword. Lincoln, Mr. Speaker, has read this page in history, as well as you and I. He knows you had as well try to subdue the devil as to try to subdue that fierce old Huguenot blood. While I would resist the armed invasion of South Carolina, I could not join that State in driving out United States soldiers from forts which they have occupied for more than fifty years. If I should hear to-day of troops being sent to Fort Caswell, I could only say, that's our Fort and our troops, and they are lawfully in it.

One word, Mr. Speaker, to the disunion Senators who are so eager to avenge the injured honor of the South. You are always too hot or too cold. You have been the most abject submissionists in the land for many years. The Personal Liberty Bills, about which you are now so hot and indignant, you have tamely submitted to for twenty years. You honored the State that passed the first Personal Liberty Bill, by voting for Buchanan, one of her citizens, for President. You submitted to have your slaves excluded from the common territory by the Wilmot Proviso. More than that, you defended and justified it, and sustained Mr. Polk, who gave it his sanction. You are not the proper avengers of Southern honor.

An Irish orator and statesman forty years ago, looking across the Atlantic with wonder and admiration at the grandeur and growth of our government, and the virtue of our people, exclaimed—"happy, proud America, the lightnings of Heaven yielded to your philosophy, and the temptations of earth could not seduce your patriotism."

Shall it be said of us whose fathers ruled the lightnings, that we could not rule ourselves? Shall it be said of us whose fathers the temptations of earth could not seduce, that we were seduced by the temptations of office? "Forbid it, Heaven! Forbid it, my countrymen!" Did we bury with the bones of our fathers that philosophy which made the lightnings yield, and then yielded itself to the Constitution and the law? Did we bury with the bones of our fathers that patriotism which made us united at home, feared, admired and respected abroad? Whither has fled the spirit of America, which animated our fathers? Drive it from this land—where will it take refuge, where will it find a resting place? Woe! a thousand times woe! to those who would drive that spirit from Columbia's land.

I will say to the senators from Cleveland and Burke, who rejoice that the Stars and Stripes are not allowed to float from the dome of the Capitol, and to those senators who with them have despaired of the Republic,

Be still sad hearts and cease repining,
Behind the clouds I see the Constitution shining.

The senator from Buncombe, says: "The sting of death has entered the Constitution and it is now dead and cold as a corpse." The Constitution is not dead; it only sleepeth. Those who think it dead may go and bury it, and roll a great stone upon the sepulchre, and put an army there to guard it, but it will come forth; there will be a resurrection as sure as there is a people.





